

2163  
APC/ERL

PTO/SB/21 (09-04)  
Approved for use through 07/31/2006. OMB 0651-0031  
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/991,304	
	Filing Date	10/19/2001	
	First Named Inventor	Wayne E. Fisher	
	Art Unit	2163	
	Examiner Name	Uyen T. Le	
Total Number of Pages in This Submission	11	Attorney Docket Number	39802-P003X1

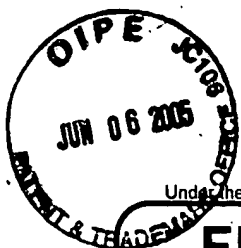
ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1) Return Postcard 2) PTO Form 8A 3) PTO Form 8B
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Winstead Sechrest & Minick P.C.		
Signature			
Printed name	Michael P. Adams		
Date	June 3, 2005	Reg. No.	34,763

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Michael P. Adams	Date	June 3, 2005

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PTO/SB/17 (10-04v2)

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# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 180.00

**Complete if Known**

Application Number	09/991,304
Filing Date	10/19/2001
First Named Inventor	Wayne E. Fisher
Examiner Name	Uyen T. Le
Art Unit	2163
Attorney Docket No.	39802-P003X1

**METHOD OF PAYMENT (check all that apply)**☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number  
Deposit  
Account  
Name

23-2426

Winstead Sechrest &amp; Minick P.C.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee  
to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$ ) 0.00

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ ) 0.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180.00
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 180.00

**SUBMITTED BY**

(Complete (if applicable))

Name (Print/Type)	Michael P. Adams	Registration No. (Attorney/Agent)	34,763	Telephone	512.370.2858
Signature		Date	June 3, 2005		

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Fisher, Wayne E.  
Assignee: NEON Enterprise Software, Inc.  
Title: Facilitating Maintenance Of Indexes During A Reorganization Of Data  
In A Database  
Serial No.: 09/991,304 Filing Date: October 19, 2001  
Examiner: Uyen T. Le Group Art Unit: 2163  
Docket No.: 39802-P003X1 Confirmation No.: 5056

Dallas, Texas  
June 3, 2005

Mail Stop Amendment  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

**THIRD INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR § 1.97(c) WITH FEE**

Dear Sir:


Pursuant to 37 C.F.R. § 1.56, § 1.97 and § 1.98, the documents listed on the accompanying form PTO-1449 are called to the attention of the Examiner for the above patent application for which no copies are being provided.

Citation of these documents shall not be construed as:

1. an admission that the documents are necessarily prior art with respect to the instant invention;
2. a representation that a search has been made, other than as described above; or
3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

These documents include documents that were cited in patent(s) and/or patent application(s) related to the present patent application.

I have enclosed a firm check in the amount of \$180.00. If the fee has been calculated incorrectly, the Commissioner is hereby authorized to charge any insufficiency of payment of the following fees associated with this communication, or credit any overpayment, to Deposit Account No. 23-2426 (39802-P003X1) in the name of Winstead Sechrest & Minick P.C. A duplicate copy of this transmittal letter is enclosed.



Michael P. Adams  
Attorney for Applicant(s)  
Reg. No. 34,763  
512.370.2858

Winstead Sechrest & Minick P.C.  
P.O. Box 50784  
Dallas, Texas 75201

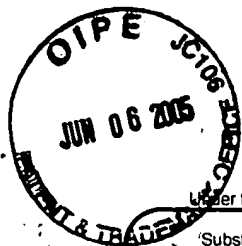
**CERTIFICATION UNDER 37 C.F.R. § 1.8**

I hereby certify that this correspondence (along with any item referred to as being enclosed herewith) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment, COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450, on June 3, 2005.



Signature

Austin\_1\281060\1  
39802-P003US 6/2/2005



PTO/SB/08A (04-03)

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Application Number	09/991,304
Filing Date	10/19/2001
First Named Inventor	Wayne E. Fisher
Art Unit	2163
Examiner Name	Uyen T. Le
Attorney Docket Number	39802-P003X1

Sheet 1 of 1

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 6,691,121 B1	02/10/2004	Heronimus, et al.	
		US- 6,606,631 B1	08/12/2003	Martin, Jr., et al.	
		US- 6,418,443 B1	07/09/2002	Martin, Jr.	
		US- 6,349,299 B1	02/19/2002	Spencer, et al.	
		US- 2003/0046294 A1	03/06/2003	Heronimus	
		US- 2002/0059279 A1	05/16/2002	Kim, et al.	
		US- 5,745,748	4/28/98	Ahmad, et al.	
		US- 6,622,142 B1	9/16/2003	Murray, et al.	
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**FOREIGN PATENT DOCUMENTS**

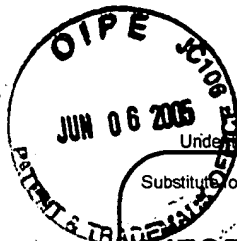
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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PTO/SB/08B (04-03)

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT***(Use as many sheets as necessary)***Complete If Known**

Application Number	09/991,304
Filing Date	10/19/2001
First Named Inventor	Wayne E. Fisher
Art Unit	2163
Examiner Name	Uyen T. Le
Attorney Docket Number	39802-P003X1

Sheet	1	of	1
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**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Testing for Indoubt Units of Work in a Transaction Processing System, 1 January 1996, IBM Technical Disclosure Bulletin, Vol. 39, No. 1, pp. 329-330.	
		DL/1 Subset File Organization and Access Technique, 1 March 1980, IBM Technical Disclosure Bulletin, Vol. 22, No. 10, pp. 4702-4708.	

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

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